

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

November 4, 2004

MINUTES

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE REGIONAL COUNCIL. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.

The Regional Council of the Southern California Association of Governments held its meeting at SCAG Offices downtown Los Angeles. The meeting was called to order by the Vice President Hank Kuiper, Imperial County. There was a quorum.

Members Present

Supervisor Hank Kuiper, Imperial County, 1st VP	
Mayor Toni Young, Port Hueneme, 2 nd VP	District 45
Councilmember Bev Perry, Brea, Immediate Past President	District 22
Supervisor Marion Ashley, Riverside County	
Supervisor Yvonne Burke, LA County	
Supervisor Chris Norby, Orange County	
Councilmember Jo Shields, Brawley	District 1
Councilmember Greg Pettis, Cathedral City	District 2
Councilmember Bonnie Flickinger, Moreno Valley	District 3
Mayor Ron Loveridge, Riverside	District 4
Mayor Lee Ann Garcia, Grand Terrace	District 6
Councilmember Deborah Robertson, Rialto	District 8
Mayor Bill Alexander, Rancho Cucamonga	District 9
Mayor Lawrence Dale, Barstow	District 11
Councilmember Richard Dixon, Lake Forest	District 13
Councilmember Tod Ridgeway, Newport Beach	District 14
Councilmember Lou Bone, Tustin	District 17
Councilmember Alta Duke, La Palma	District 18
Councilmember Marilyn Poe, Los Alamitos	District 20
Councilmember Art Brown, Buena Park	District 21
Councilmember Gene Daniels, Paramount	District 24
Councilmember Keith McCarthy, Downey	District 25
Councilmember Frank Gurule, Cudahy	District 27
Councilmember Rae Gabelich, Long Beach	District 29
Councilmember Tonia Reyes-Uranga, Long Beach	District 30
Councilmember Bea Proo, Pico Rivera	District 31
Councilmember Margaret Clark, Rosemead	District 32
Councilmember Dick Stanford, Azusa	District 33
Councilmember Harry Baldwin, San Gabriel	District 35
Councilmember Sid Tyler, Pasadena	District 36
Councilmember Llewellyn Miller, Claremont	District 38
Councilmember Paul Nowatka, Torrance	District 39

Councilmember Jim Aldinger, Manhattan Beach	District 40
Councilmember Pam O'Connor, Santa Monica	District 41
Councilmember Mike Dispenza, City of Palmdale	District 43
Councilmember Dennis Washburn, Calabasas	District 44
Councilmember Glen Becerra, Simi Valley	District 46
Councilmember Carl Morehouse, San Buenaventura	District 47
Councilmember Greig Smith, Los Angeles	District 59
Councilmember Debbie Cook, Huntington Beach	District 64
Councilmember Robin Lowe, Hemet	RCTC
Supervisor Charles Smith, County of Orange	OCTA

Members Not Present

Supervisor Paul Biane, San Bernardino County	
Supervisor Judy Mikels, Ventura County	
Supervisor Zev Yaroslavsky, LA County	
Councilmember Ron Roberts, Temecula, President	District 5
Councilmember Susan Longville, San Bernardino	District 7
Mayor Gary Ovitt, Ontario	District 10
Councilmember Cathryn De Young, Laguna Niguel	District 12
Councilmember Richard Chavez, Anaheim	District 19
Councilmember Paul Bowlen, Cerritos	District 23
Councilmember Judy Dunlap, Inglewood	District 28
Councilmember Isadore Hall, Compton	District 26
Councilmember Paul Talbot, Alhambra	District 34
Councilmember Tom Sykes, Walnut	District 37
Councilmember Bob Yousefian, Glendale	District 42
Councilmember Ed Reyes, Los Angeles	District 48
Councilmember Wendy Greuel, Los Angeles	District 49
Councilmember Dennis Zine, Los Angeles	District 50
Councilmember Tom LaBonge, Los Angeles	District 51
Councilmember Jack Weiss, Los Angeles	District 52
Councilmember Tony Cardenas, Los Angeles	District 53
Councilmember Alex Padilla, Los Angeles	District 54
Councilmember Bernard Parks, Los Angeles	District 55
Councilmember Jan Perry, Los Angeles	District 56
Councilmember Martin Ludlow, Los Angeles	District 57
Councilmember Cindy Miscikowski, Los Angeles	District 58
Councilmember Eric Garcetti, Los Angeles	District 60
Councilmember Antonio Villariagosa, Los Angeles	District 61
Councilmember Janice Hahn, Los Angeles	District 62
Councilmember Thomas Buckley, Lake Elsinore	District 63
Councilmember Ted Burgnon, Town of Apple Valley	District 65
Mayor James Hahn, Los Angeles	At-Large
Mayor Bill Davis, Simi Valley	VCTC

Staff Present

Mark Pisano, Executive Director
Jim Gosnell, Deputy Executive Director
Heather Copp, Chief Financial Officer
Colin Lennard, General Counsel
Karen Tachiki, Chief Counsel
Hasan Ikhata, Director, Planning & Policy
Huasha Liu, Acting Director, Information Services
Shelia Stewart, Executive Assistant

1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE

2.0 PUBLIC COMMENT PERIOD

There were no comments presented at this time.

2.1 Report from Legislative Lobbyists

John O'Donnell, SCAG Lobbyist, Washington, D.C. presented a brief report on changes needed to TIFIA for pre-deployment funding and loan guarantees. He also gave a report regarding ongoing efforts to meet with Rep. Thomas to discuss tax credit or private activity bonds initiatives.

He indicated because of the impact international issues are expected to have on domestic spending programs that there will be many opportunities to advance SCAG's concepts regarding innovative financing such as tax credits & public/private partnerships.

He also stated work will be focused on the HDR matter, Maglev funding, the Consensus program and reauthorization.

3.0 CONSENT CALENDAR

The following consent calendar items were MOVED (Lowe), SECONDED (Alexander) and UNANIMOUSLY APPROVED

3.1 Approval Items

3.1.1 Approve Minutes of Oct. 7, 2004

3.1.2 Approval of Contracts

- IBI Group
- Solimar Research Group

Councilmember Stanford noted that Solimar had not completed a job for San Gabriel Valley COG. He requested that it be made clear to Solimar that the work for SCAG be completed on time.

Councilmember Reyes-Uranga stated that she had previously requested that minority or women owned firms be noted in the report. However to date, it had not be done. Heather Copp, CFO, stated that the database currently does not reflect firms that are minority or women owned. However staff is currently working on updating information in the database to accomplish this task.

3.1.3 Approve Proposed Date, Location & Budget for SCAG's 2005 Regional Council Retreat

3.1.4 Approve Letter of Support for Caltrans Application

3.2 Receive & File

3.2.1 Contracts & PO between \$5,000 - \$25,000

3.2.3 SCAG Legislative Matrix

3.2.4 Meeting Summary from Policy Committees

3.2.5 California Performance Review Report Summary

3.2.6 Regional HOV Lane System Performance Study

3.0 PRESIDENT'S REPORT

3.1 Report on meeting with Seoul Development Institute in Seoul, Korea

Mark Pisano gave a detailed report on his trip with President Roberts to Seoul Korea. He and President Roberts were invited to make a presentation at the Seoul Development Institute honoring their 12th Anniversary, in which the SCAG team presented a paper entitled "Planning Issues and Policy Measures for Sustainable Growth of Seoul in Los Angeles". Mr. Pisano stated that SCAG currently has a MOU with the Institute, which encompass the exchange of information, planning ideas, as well as leadership. He thanked staff for their work on the paper as well as helping in the preparation of the trip.

3.2. Appointments

There were no appointments. Vice President Kuiper welcomed newly elected RC member Councilmember Rae Gabelich, Long Beach, representing District 29.

4.0 EXECUTIVE DIRECTOR'S REPORT

Mark Pisano announced that SCAG had received the GFOA Certificate of Achievement for Excellence in Financial Reporting for 2002-2003. He noted that although SCAG has completed some extremely difficult policy issues and tasks over the years, to date the GFOA award is one of the most significant accomplishments. He stated that the staff has done an incredible job to accomplish the tasks that were put before them.

With regard to office improvements he thanked Jim Gosnell, Huasha Liu, Cheryl Collier and staff for their work in completing Phase I of the office improvement project. During Phase II the employee workspace areas on both the 11th and 12th floors will be painted. Phase II is scheduled to be completed by end of January 2005. He noted that this is the first time SCAG offices have been remodeled in 38 years.

Mr. Pisano reported on the Overall Work Program (OWP). He stated that the first formal Amendment of the FY 2004-05 has been completed. The amendment adjusts SCAG staff allocations to various projects, adds new funding for SCAG consultants and subregional projects and adjusts the carryover amounts for special grants. Work is underway on the development of the FY 2005-06 OWP. A call for projects has gone out to the subregions and internally staff is developing the SCAG proposals. All requests for projects are due at SCAG on Friday, November 12.

He also gave a brief update on MAGLEV. It was noted that all signed and executed grant agreements have recently been received by SCAG. Work will begin on Phase II pending finalization of necessary contract revisions with Lockheed Martin. Jim Gosnell and Zahi Faranesh attended the Shanghai Maglev Conference, a report will follow.

5.0 ACTION ITEMS

5.1 Administration Committee Report

5.1.1 FY 2004-2005 OWP Budget Amendment # 2

A correction was noted on page 2, paragraph 5 of the Resolution. It says: That the Executive Director, or in his absence, the ~~Executive Director~~ *Deputy Executive Director* is hereby authorized to make administrative amendments to the OWP for FY 2004-05, as amended, such as changing work elements or correcting errata.

With that correction, it was MOVED (Dixon), SECONDED (Lowe) and UNANIMOUSLY APPROVED.

5.1.2 Audit & Best Practices Oversight Subcommittee Report

It was MOVED (Dixon), SECONDED (Stanford) and UNANIMOUSLY APPROVED to adopt the Annual Financial Statement.

5.2 Transportation & Communications Committee (TCC) Report

There were no action items

5.3 Energy & Environment Committee (EEC) Report

5.3.1 Salton Sea Authority (SSA) Resolution # 04-455-1

It was MOVED (Lowe), SECONDED (Perry) and UNANIMOUSLY APPROVED to waive reading and approve Resolution #04-455-1

5.4 **Community & Human Development Committee (CEHD) Report**

There was no report.

5.5 **Communication & Membership Subcommittee Report**

There was no report.

6.0 **INFORMATION ITEMS**

6.1 **Report from Joe Myers, Executive Director, National Indian Justice Center**

Joseph Myers is a member of the Pomo Tribe of northern California and is the Executive Director of the National Indian Justice Center (NIJC). He helped to create NIJC in 1983 as an independent resource for tribal governments and their courts. The NIJC designs and conducts legal education, research, and technical assistance programs aimed at improving the administration of justice in Indian country.

Mr. Myers was hired to help further SCAG's relationship with the sixteen federally recognized tribal governments in the region.

He presented a brief report on the issue regarding Native American Indian, with the SCAG planning process, noting that there are 16 federally recognized tribal governments in the SCAG region. 12 are located in Riverside County, five are located in San Bernardino County and there is one Tribe in Imperial County. Some reservations cross county lines. In addition he also provided his perspective regarding SCAG's efforts to involve Tribal Governments in the regional planning process.

Councilmember Clark had a concern about the applicability of state economic disclosure laws. Mr. Myers stated that he did not anticipate that this would be an issue. Colin Lennard, General Counsel, stated that he had discussions with FPPC staff who have indicated that the disclosure provisions would apply. He also indicated that he was waiting for a final opinion from the FPPC staff on the matter.

6.2 **Monthly Financial Report**

Heather Copp, CFO, announced that SCAG received the GFOA Award for Excellence in Accounting and Financial reporting for FY 2002-2003. She noted that the work accomplished was under the supervision of Bert Becker, SCAG previous CFO. This award was first received for the year that SCAG had also first dealt with Gasby 34 requirements. The financial staff was congratulated for a tremendous job. SCAG staff was also thanked for their help

She reported that the finance team has actively been managing the cash flow for quite sometime and it's beginning to pay off. It was noted that out of the first 90 days of this fiscal year, 52 days were debt free and continues to remain debt free.

It was also noted that the bank requested that the covenant for the line of credit be increased to \$700,000. She indicated that staff did not anticipate any difficulty in meeting that requirement she would execute the appropriate documents. Ms. Copp stated that it took only 16 days for Caltrans to process reimbursement checks.

7.0 FUTURE AGENDA ITEMS

There were no future agenda items.

8.0 LEGAL COUNSEL REPORT

8.1 Closed Session

There was no closed session. However Justine Block, Deputy Legal Counsel reported that recently SCAG was named as a defendant in a wrongful death lawsuit in connection with a traffic accident in Riverside County. The plaintiffs allege negligent and defective design of a road where the collision occurred. This matter is being handled by outside counsel assigned by the JPIA.

- Deanna Wetherbee-Distel et al. vs. Miguel Leon Martin et al.; Southern California Association of Governments; Riverside Transit Agency; Western Municipal Water District-Claim for Injuries/Wrongful Death Claim; Case Number: RIC 417340
Conference with Legal Counsel re: pending litigation, pursuant to Cal. Gov. Code Section 54956.9

There was nothing to report to the RC at this time on the following:

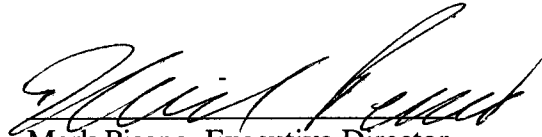
- HDR Appeal
Significant exposure to litigation pursuant to California Government Code Subdivision C §54956.9
(one potential case)
Conference with Legal Counsel – anticipated litigation
- Morrison v. SCAG
Morrison v. Southern California Association of Governments et al. Superior Court, Los Angeles County, Case No. BC 312066
Conference with Legal Counsel Government Code section 54956.9(a)

9.0 ANNOUNCEMENTS

There were no announcements at this time.

10.0 ADJOURNMENT

The next meeting is scheduled for December 2, 2004 at SCAG Offices downtown Los Angeles.



Mark Pisano, Executive Director